

**DRAFT DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT**  
**ROBERT'S GAP PROJECT**  
**U.S. FOREST SERVICE**  
**OZARK ST-FRANCIS NATIONAL FORESTS, BIG PINEY RANGER**  
**DISTRICT**  
**NEWTON, MADISON, COUNTIES, ARKANSAS**

**DECISION**

Based upon my review of the Robert's Gap Project Environmental Assessment (EA), I have decided to implement Alternative 3 with modifications as noted below. All modifications are displayed on the Decision Notice Map in Appendix A. There are no changes to the remaining treatments in this alternative which are displayed on the Alternative 3 map also in Appendix A.

For prescribed burning, the Buffalo Lookout Prescribed Burn was expanded by 646 acres to include fuel reduction around private lands (Wildland Urban Interface) this was analyzed in the Proposed Action (PA) under the Robert's Gap Prescribed Burn (left out of Alternative 3). This will change the total acres for the Buffalo Lookout Prescribed Burn from, 2,315 acres to 2,961 acres. This addition will require approximately one mile of additional dozer line around private lands.

For the Upper Buffalo Mountain Bike Trail System, I have decided to implement a combination of the Proposed Action and Alternative 3 resulting in approximately 14 miles of new mountain bike trail being constructed (see Decision Notice Map in Appendix A). This change is a result of working through comments received and considering management area objectives.

To protect the visual integrity of a portion of the existing mountain bike trail the following areas proposed for timber harvest will be affected by either being modified or excluded from treatment:

- Area 155 (37 ac.) Hardwood thinning – will be excluded from treatment entirely.
- Area 156 (59 ac.) Hardwood shelterwood prep. – will be modified (Knuckle Head Trail, trail #30, runs along the north edge of this area) to avoid the existing mountain bike trail.
- Associated with excluding the above areas would be 0.5 mile of road maintenance and 0.5 mile of temporary road construction which will not occur.

Alternative 3 included 622 acres proposed for woodland treatment using herbicides (a 75% reduction from the Proposed Action), these acres are all within MA 2D, the Upper Buffalo Dispersed Recreation Area (see Decision Notice Map). As a result of meeting with interested groups and individuals about the concern of using herbicide within this MA, I have decided these acres will receive woodland treatments using only manual methods. Even though herbicide is more effective, and our analysis shows no thresholds or public safety would be compromised using this treatment, this fits better with the goals established in the Forest Plan for this MA. This

will reduce the amount of herbicide application in this treatment category for woodland by 100% (see Decision Notice Map).

Existing wildlife openings are shown on the Alternative 3 Map. The three of these openings located in MA 2D will not receive the “up to 10 acres of woodland treatments around each five-acre opening” as described in Alternative 3. These three openings will not receive a woodland treatment of any kind around them.

The following descriptions and tables display the activities for Alternative 3 as described in the EA **including** the modifications outlined above in detail along with the site-specific design criteria. For consistency the tables below are numbered as they are in the EA for Alternative 3.

#### **Prescribed burning on 11,311 acres (Table 10 and see maps Appendix A).**

For a complete description of this treatment action see the PA in the EA.

The intent to minimize ground disturbance for control lines is to use agreements, existing roads or natural fuel breaks such as streams, however, approximately 21.25 miles of (dozer) control-line construction/reconstruction may be established along the Wildland Urban Interface (WUI) adjacent to private property if needed.

**Table 10: Proposed prescribed (Rx) burning units and acres.**

Rx Burn Unit	Acres	Rx Burn Unit	Acres	Rx Burn Unit	Acres
County Line	1,814	Marksburg Hollow	725	Reeves Fork	911
Smith Ridge	2,880	Reeves Mountain	958	-	-
Eagle Gap	1,062	Buffalo Lookout	2,961	<b>Total</b>	11,311

#### **Regeneration harvest on 893 acres (Table 11) and 1,126 acres of shelterwood preparation (Table 12).**

For a complete description of this treatment action see the PA in the EA.

**Table 11: Proposed acres of regeneration treatment by area number.**

Area#	Acres	Area #	Acres	Area #	Acres	Area #	Acres	Area #	Acres	Area #	Acres
2	30	40	38	63†	38	125	50*	159	35		
14	44*	44□	21	71	45*	129	20				
21	38	45	15	88	23	132	45*				
22	27	50	37	97	18	136	43*				
23	46*	55†	34	100	46*	140	40				
33	38	58	48*	119	43*	149	31	<b>Total</b>	893		

\*Indicates hardwood regeneration areas greater than 40 acres which is the maximum size the Forest Plan allows according to **FW02** (Page 3-1); however, these areas have been impacted by both oak borer and the 2009 Ice Storm and **FW02** states, “These acreage limits do not apply to areas treated as a result of natural catastrophic conditions such as fire, insect or disease attack, or windstorm”.

† These areas are within, or partially within, a secondary conservation zone for the federally endangered Indiana bat and are restricted to harvesting between December 1 and March 15 unless there is further coordination with the United States Fish and Wildlife Service (USFWS) and site-specific inventories are conducted.

□ These areas have partial acres within a Northern long-eared bat maternity buffer zone and are restricted to harvesting these acres outside of the pup season May 15- July 31.

**Table 12: Proposed acres of shelterwood preparation treatment by area number.**

Area#	Acres		Area #	Acres		Area #	Acres		Area #	Acres		Area #	Acres
15	57		51	45		108	16		127	49		*156	59
18	32		53†	72		110	41		130	46		162	36
26	30		76	25		112□	20		134	61			
32	40		77	40		115	40		141	68			
35	36		80	74		122	53		143	46			
47	18		93	46		124	45		150	31		<b>Total</b>	1,126

† These areas are within, or partially within, a secondary conservation zone for the federally endangered Indiana bat and are restricted to harvesting between December 1 and March 15 unless there is further coordination with the USFWS, and site-specific inventories are conducted.

□ These areas have partial acres within a Northern long-eared bat maternity buffer zone and are restricted to harvesting these acres outside of the pup season (May 15- July 31).

\*Area 156 will be modified (reduced) to avoid the existing mountain bike trail which runs through the north portion of this area, this will protect the scenic integrity of the trail.

### **Commercial thinning on 5,467 acres of hardwoods (Table 13) and 2,406 acres of pine (Table 14).**

For a complete description of this treatment see the PA in the EA.

**Table 13: Proposed acres of hardwood commercial thinning by area number.**

Area#	Acres		Area #	Acres		Area #	Acres		Area #	Acres		Area #	Acres
1	98		39	48		73*	48		105*	11		138	129
3*	148		41*	55		74*	29		106*	66		139	143
4	119		43*	23		75*□	307		109	60		142	45
5 <sup>3</sup>	251		46	27		82	92		111*□	105		144	16
10 <sup>3</sup>	15		48	15		84	24		113*□	65		147*	427
11 <sup>3</sup>	34		49	22		85*	67		116*	19		151*	37
12 <sup>3</sup>	24		52	71		86*	40		117*	198		<del>155*</del>	37
13	98		54†	152		89	64		120	120		157	41
16	114		56†	30		91	47		121*	98		161	107
19*	463		59†	32		94	13		123	61		166	36
28	17		60†	85		95	14		126	190			
30	33		62†	24		96	24		128	143			
34	16		64†	182		99	24		131	68			
36	20		68	21		101*	38		133	50			
37	22		70	73		102*	29		135	34		<b>Total</b>	5,467

\* After commercial harvesting is completed, these areas, in whole or part (Appendix A), would receive additional treatments on 324 acres as described in the woodland restoration section.

† These areas are within, or partially within, a secondary conservation zone for the federally endangered Indiana bat and are restricted to harvesting between December 1 and March 15 unless there is further coordination with the USFWS, and site-specific inventories are conducted.

□ These areas have partial acres within a Northern long-eared bat maternity buffer zone and are restricted to harvesting these acres outside of the pup season (May 15- July 31).

<sup>3</sup> In Alternative 3 after commercial harvesting is completed, these areas would receive additional treatments as described in the woodland restoration section.

**Table 14: Proposed acres of pine commercial thinning by area number.**

Area#	Acres		Area #	Acres		Area #	Acres		Area #	Acres		Area #	Acres
7	50		38	11		72□	330		104	39		160	20
8	439		42□	172		78□	130		107	14		163	29
17	16		57	38		81	12		114†□	496		165	109
25	9		61†	14		83	92		118	115			
29	50		65	70		87	63		137	36			
31	10		66	12		103	16		158	14		<b>Total</b>	2,406

† These areas are within, or partially within, a secondary conservation zone for the federally endangered Indiana bat and are restricted to harvesting between December 1 and March 15 unless there is further coordination with the USFWS, and site-specific inventories are conducted.

□ These areas have partial acres within a Northern long-eared bat maternity buffer zone and are restricted to harvesting these acres outside of the pup season (May 15- July 31).

**Timber stand improvement thinning (non-commercial, understory, etc.) on 296 acres (Table 15).**

For a complete description of this treatment see the PA in the EA.

**Table 15: Proposed acres of timber stand improvement thinning by area number.**

Area#	Acres		Area#	Acres		Area#	Acres
6*	152		24	29		79	25
9	23		27	38		164	29
-	-		-	-		<b>Total</b>	296

\*This area is within the Eagle Gap Special Interest Area and would only be thinned after a management plan is completed. This area would include a herbicide treatment for understory or midstory removal in order to move the area toward a woodland condition enhancing the botanical qualities (wild azalea) for which the area was designated.

**Manual release thinning (non-commercial, understory, etc.) on 139 acres (Table 16).**

For a complete description of this treatment see the PA in the EA.

**Table 16: Proposed acres of manual release thinning by area number.**

Area#	Acres		Area#	Acres		Area#	Acres
20	22		69	29		92	18
67	21		90	19		98	30
-	-		-	-		<b>Total</b>	139

**Woodland restoration utilizing herbicide manual methods on 622 acres (Table 17).**

For a complete description of this treatment see the PA. The areas proposed to receive this treatment are within a prescribed burn area.

**Table 17: Proposed acres of woodland restoration by area number.**

Area#	Acres		Area #	Acres		Area #	Acres
173	37		176	45		179	26
174	184		177	170		184	160
-	-		-	-		<b>Total</b>	622

**Commercial salvage of timber on up to 1,000 Acres.**

For a complete description of this treatment see the PA in the EA.

**Management of wildlife openings for high quality forage by a combination of enlarging and/or reconstructing existing openings for a total of 35 acres (Appendix A).**

For a complete description of this treatment see the PA in the EA.

**Woodland management of up to 10 acres around each 5-acre wildlife opening (total of 70 40 acres).** This will not occur around three existing openings within the MA. 2D (see above page 2). For a complete description of this treatment see the PA in the EA.

**Maintenance/reconstruction of 38 wildlife ponds.**

For a complete description of this treatment see the PA in the EA.

**Large woody debris (LWD).**

For a complete description of this treatment see the PA in the EA.

**Recreation management.**

The project area is used for dispersed recreation and contains two areas where recreational use is concentrated. In order to increase the overall enjoyment and sustainability of recreational experiences, these areas will receive the following improvements.

The first area is Whitaker Point, also known as Hawksbill Crag. Currently there is 1.1-miles of developed trail, a trail head with kiosk, and a small parking area.

Based off need and input from interested groups, members of the public, and internal specialists, I am deciding to implement the following actions:

- Develop a parking area at Hawksbill Crag which will be constructed along the west side of Cave Mountain Road (see Alternative 3) by widening the road up to 30 feet which would allow for approximately 50 parking spaces where vehicles could pull in and park at a 90-degree angle from the road (approximately 0.3 acres). This fits more closely with wilderness character and should meet all but the need for the highest use days.
- Construct 0.1 miles of hiking trail from the new parking area and through a newly acquired recreational easement to link up with the existing trail. The kiosk would be moved from its current location to the east side of Cave Mountain Road adjacent to the relocated hiking trail.
- Relocate approximately 0.3 miles of trail within wilderness.
- Decommission 0.4 miles of old trail.

The second area of concentrated use is in Management Area (MA) 2.D. - Upper Buffalo Dispersed Recreation Area where currently there are two trailheads and approximately 35 miles of designated mountain bike trails. Approximately 30 new-construct miles were analyzed in the EA Phase II and Phase III. I have decided to implement the following actions:

- Construct approximately 14 miles of new mountain bike trail to complete Phase II; the majority of which would be easy-to-moderate difficulty level (see Decision Notice Map).
- Remove approximately 8.7 miles of mountain bike trail from the system that is currently designated on county and FS open roads where a possibility of user conflict with full sized vehicles exists.
- Decommission the 1.1-mile Ratford Hiking Trail and remove the kiosk due to the lack of use and limited recreational resources for maintenance.

**Hay allotment.**

This Alternative also includes reissuing a 20-acre hay allotment on lands acquired by the National Forest, keeping the 20 acres in a native grass condition.

**Ozark chinquapin restoration.**

For a complete description of this treatment see the PA in the EA.

**Proposed actions for the road system in this project are recommendations taken from the Robert's Gap Travel Management Process Report (TAP) (Project Record at District Office).**

For a complete description of this treatment see the PA in the EA.

**Maintenance on 31.7 miles of existing roads.**

These roads would have routine maintenance (blading, cleaning leadoffs, filling potholes etc.) in association with proposed activities.

**Construct 0.53 miles of new road.**

New construction is needed to facilitate access to project activity areas to complete silviculture actions.

**Reconstruction of 3.5 miles of road.**

Approximately 3.5 miles of road would be reconstructed to facilitate access and hauling of timber from stands proposed for commercial harvest. Reconstruction may include shifting the road template or increasing road condition class.

**Decommission 10.5 miles of existing roads.**

Decommissioning of 10.5 miles of existing roads that are no longer needed for the transportation system in this project area would occur. Methods of decommissioning range from blocking the road entrance to full obliteration and may include re-vegetation, water-barring, culvert removal, establishing drain-ways, removing unstable road shoulders, and restoring natural slopes.

**Closure of 39 Miles of existing open roads.**

For a complete description of this treatment see the PA in the EA.

**Construction and closure of 37.5 miles of temporary roads.**

Temporary roads are needed to facilitate access to project activity areas to implement silviculture actions. These roads would be rehabilitated and closed once the activity has been completed.

**SITE SPECIFIC DESIGN CRITERIA**

Area 72 – Protect the Dahl Memorial and the large white oak tree in the center of a dispersed campsite (they are within 100 feet) and route pre-haul maintenance proposed to occur on FR 1463 as far from the tree as practical. Consider requiring manual thinning within 50 feet of these two sites in order to protect them.

Area 72 – A less than 5-acre upland bog/pond exists adjacent to this area. Upland bogs are home to sensitive plant species and have soils and hydrology that are prone to damage. To protect the soils and hydrology, mechanized equipment would not be allowed in the bog or around the perimeter. Vegetation management which enhances the bog's qualities or addresses public safety would be allowed. Illegal trails would be decommissioned. Herbicides which carry an aquatic label and would be applied under FS supervision with personnel trained in sensitive plant species identification.

*Wildlife*

No large woody debris would be placed within a Wild and Scenic River designation, inside Upper Buffalo Wilderness, or along the mainstream of Kings River.

*Threatened, endangered, sensitive bats*

Bat hibernacula (known locations) – Identify Edgemon Cave and Cave Mountain Cave as smoke sensitive targets in burn plans (as specified in FW52).

Northern long-eared bat maternity roosts (known locations) –Although prescribed (Rx) burning is not prohibited at any time during the year under the final 4(d) rule, it is recommended that when using prescribed burning as a management tool, fire frequency, timing, location, and intensity all need to be considered to lower the risk of incidental take of bats; therefore, a low intensity backing fire is recommended in these known maternity roost sites. These Rx burns should be conducted, if possible, either January through March or late summer/fall avoiding the pup season (May 15 through July 31). Burn units with maternity roost sites are Reeves Mountain, Smith Ridge, Buffalo Lookout, and Reeves Fork. Hazardous tree removal is not prohibited but is recommended that removal occur, whenever possible, during the winter.

The final 4(d) rule for the Northern long-eared bat prohibits the cutting or destruction of known occupied maternity roost trees as well as any other tree within a 150-ft. radius during the pup season, May 15 through July 31; therefore, the following units have maternity roost buffer areas that must be harvested outside of the May 15-July 31<sup>st</sup> window: Red Star area units 111, 112, 113 & 114; Evans Hollow area units 44 & 42; Sullivan Cemetery area unit 78; and Dixon Ridge Road area units 72, 75, 192 & 168.

*Indiana Bat Mitigations* The northwest portion of the project area is within two overlapping secondary conservation zones for the Indiana bat. Silvicultural areas within the secondary zones

include area numbers 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, & 186. Forest-Wide Standards from the Forest Plan related to conservation zones are listed below.

**Indiana Bat Forest-Wide Standards:**

The Reeves Mountain Rx burn is partially within the secondary conservation zone for Indiana bats; therefore, the Forest Plan standards will apply.

*See Design Criteria in project record at District office for Forest-Wide Standards which apply to Indiana Bat*

*Heritage*

**Heritage protection (HP) measure 1: Site avoidance during project implementation**

Avoidance of historic properties will protect sites from effects resulting from the undertaking. Establish clearly defined site boundaries and buffers around archeological sites where activities that might result in an adverse effect are to be implemented. Route proposed activities away from historic properties. Buffers will be of sufficient size to ensure that site integrity is not compromised.

**Heritage protection measure 2: Site protection during prescribed burns**

**Fire lines:** Historic properties located along existing non-maintained woods roads used as fire lines will be protected by hand-clearing those sections that cross the sites. Although these roads are generally cleared of combustible debris using a small dozer, those sections crossing archeological sites will be cleared using leaf blowers and/or leaf rakes. During fire line preparation, there will be neither removal of soil nor disturbance below the ground surface. Historic properties and features located along proposed routes of mechanically constructed fire lines, where fire lines do not now exist, will be avoided by routing fire line construction around historic properties. Sites that lie along previously constructed dozer lines from past burns (where the fire lines will be used again as fire lines) will be protected during future burns by hand clearing sections of line that cross the site, rather than re-clearing using heavy equipment. Where these activities will take place outside areas not already surveyed, cultural resource surveys and consultation will be completed prior to project implementation. Protection measures HP1, HP3, and HP4 will be applied prior to project implementation to protect historic properties.

**Burn Unit Interior:** Combustible elements at historic properties in burn unit interiors will be protected from damage during burns by removing excessive fuels from the feature vicinity and, where applicable, by burning out around the feature prior to igniting the main burn and creating a fuel-free zone. Historic properties containing above ground, non-combustible cultural features and exposed artifacts will be protected by removing fuel concentrations dense enough to significantly alter the characteristics of those cultural resources. For sites that have been previously burned or that do not contain combustible elements or other above-ground features and exposed artifacts, no additional measures are proposed. Past research indicates that prescribed burning will not be sufficiently intense to cause adverse effects to these features.

**Post-Burn Monitoring:** Post-burn monitoring may be conducted at selected sites to assess actual and indirect effects of the burns on the sites against the expected effects. State Historic Preservation Office (SHPO) consultation will be carried out with respect to necessary mitigation for any sites that suffer unexpected damage during the burn or from indirect effects following the



burn.

### **Heritage protection measure 3: Other protection measures**

If it is not feasible or desirable to avoid an historic property that may be harmed by a project activity (HP1), then the following steps will be taken:

- In consultation with the Arkansas SHPO, the site(s) will be evaluated against National Register of Historic Places (NRHP) significance criteria (36 CFR 60.4) to determine eligibility for the NRHP. The evaluation may require subsurface site testing.
- In consultation with the Arkansas SHPO, relevant federally recognized Tribes, and if required with the Advisory Council of Historic Preservation (ACHP), mitigation measures will be developed to minimize the adverse effects on the site, so that a finding of No Adverse Effect results.
- The agreed-upon mitigation measures will be implemented prior to initiation of activities having the potential to affect the site.

### **Heritage protection measure 4: Discovery of cultural resources during project implementation**

Although cultural resources surveys were designed to locate all NRHP eligible archeological sites and components, these may go undetected for a variety of reasons. Should unrecorded cultural resources be discovered, activities that may be affecting that resource will halt immediately; the resource will be evaluated by an archaeologist, and consultation will be initiated with the SHPO, tribes and nations, and the ACHP, to determine appropriate actions for protecting the resource and mitigating adverse effects. Project activities at that locale will not resume until the resource is adequately protected and until agreed-upon mitigation measures are implemented with SHPO approval.

## **DECISION RATIONALE**

Alternative 3 with noted modifications was selected with its site-specific design criteria. This best addresses the purpose and need in a balanced, cost effective way providing for a level of resource outputs that can be maintained in perpetuity without harming land productivity as well as addressing recreational needs and issues. Additionally, this decision responds to concerns and matters important to interested members of the public and aligns with management area objectives to enhance dispersed recreation opportunities.

It was selected over the Proposed Action (PA) because the PA doesn't address the conflicts between other resource management and recreational uses, and the PA doesn't respond to comments received, concerns from members of the public, and meeting with interested groups as well as Alternative 3 with noted modifications does.

It was selected over Alternative 1 (No Action) because Alternative 1 would not address the needs of the area nor move the area toward achieving the desired future conditions outlined in the Revised Land and Resource Management Plan (RLRMP).

Alternative 3 with its noted modifications was chosen over Alternative 2 (No Herbicide Use),

because it is expected to provide better site conditions for the establishment, growth, and development of and provide optimum freedom from competition for new seedlings. Experience has shown that manual release usually results in profuse re-sprouting, thus requiring additional treatments and increased costs as well as poor seedling establishment.

My conclusion is based on a review of the record showing a thorough review of relevant scientific information (peer reviewed science), a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Analysis shows this project:

1. Provides for healthy forests by thinning (EA, pg. II-3 – II-6).
2. Provides for early successional habitat (EA, pg. II-1, 2 & II-4).
3. Reduces amount of burnable fuels and increases forage production (EA, pg. II-1, 2 & II-7).
4. Continues to address current condition class (woodland restoration EA, pg. II-5 - II-7).
5. Provides enhanced wildlife habitat through openings and ponds (EA, pg. II-7).
6. Closes roads not needed for management in the near future (EA, pg. II-8 & II-9).
7. Provides commodities (EA, pg. II-2-4 & II-6).

### **Other Alternatives Considered**

In addition to Alternative 3 the EA considered three other alternatives. A comparison of the Alternative 3 to the three other alternatives considered can be found on pages II-16 through II-18 in the EA. The following is a summary of the three alternatives considered.

#### **The Proposed Action (PA)**

The PA was developed as a result of the need identified by the interdisciplinary team, resource inventory reports, scoping, proposals received from interested parties, and cooperating agencies.

#### **Alternative 1 (No Action)**

This alternative was developed to demonstrate the need for action. None of the activities in the proposed action would be implemented. Other activities allowed under previous decisions would continue to be implemented.

#### **Alternative 2 (No Herbicide Use)**

Herbicide use would be completely excluded with this alternative. All other activities would be approved and the treatments which would have included the use of herbicide would be implemented using manual methods.

The Robert's Gap Project EA documents the environmental analysis and conclusions upon which this decision is based.

### **PUBLIC INVOLVEMENT**

To encourage public participation in the **Robert's Gap Project** decision process, a scoping letter including maps was mailed on January 29, 2018, to 119 neighboring landowners, Native American Tribes, and other members of the public, explaining the project proposal. The letter

was also posted to the Ozark-St. Francis National Forests' planning website and published in the Schedule of Proposed Actions. The notice requested any interested public to respond with their recommendations/concerns in order to shape the proposed action of this project. This effort resulted in two responses from the Native American Tribes and numerous responses from the public in the form of letters, emails and phone calls.

Two public open house style meetings were conducted (one at Deer on February 27, 2018; one at Hector on March 1, 2018) to discuss this project with the public and interested parties to capture public issues and concerns. These meetings were attended by approximately 29 members of the public. This effort resulted in receiving approximately 65 additional requests from members of the public wanting to receive information and be notified when the draft EA and the 30-day comment period was open.

The District Ranger met with the Superintendent and a team of specialists from the Buffalo National River, Newton County Judge, and the Jasper Mayor on two different occasions to discuss any concerns or recommendations they had for the Robert's Gap Project. District representatives met with the Madison County Judge to discuss the project and possible roads issues.

On three occasions, the District Ranger and district representatives met with an interested mountain biking group in order to refine the portion of the proposal for additional miles of mountain bike trail within the Upper Buffalo Mountain Bike Trail System. This included a field day with the group in which ground conditions for new trail construction were evaluated.

The District Ranger and NEPA coordinator fielded approximately 100 phone calls, emails, and visits from interested members of the public about the Robert's Gap Project since the scoping letter was sent on January 19, 2018.

Internally, the Interdisciplinary (ID) Team met several times to develop the Proposed Action and the Alternatives which were analyzed in the EA. The ID team developed "Key Issues" from public meetings and responses received through scoping. A "Key Issue" is an issue for which an alternative has been developed and considered (analyzed) in detail.

A letter was sent out on August 7, 2020 to approximately 150 neighboring landowners, interested parties and other agencies and partners notifying them of the availability of the EA for 30-day review and comment by both email and US mail. This resulted in approximately 180 comments being received.

The District Ranger reached out to approximately 12 groups and members of the public representing the core of commenters to try to work through issues that were brought up during the 30-day comment period.

Those who have submitted comments will receive notification of the objection period.

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

The actions are consistent with the intent of the management goals, objectives, and standards in the 2005 Revised Land and Resource Management Plan for the Ozark St-Francis National Forests. The project was designed in conformance with the 2005 RLRMP and incorporates appropriate guidelines and mitigation measures. The project is feasible and reasonable, and results in applying management practices that are consistent with the 2005 RLRMP direction of protecting the environment while maintaining natural communities. This decision supports goals and objectives from the 2005 RLRMP as follows:

1. Restore and maintain at least 22,000 acres of oak woodland over the first decade, with a long-term objective of 110,000 acres (RLRMP page 2.10)
2. Across all community types, maintain a range of 3.8 to 6.8 [percent of the total forest and woodland acreage in regeneration forest conditions (0-10 years old)]. (RLRMP page 2.10)
3. Across all community types, annually burn an average of 120,000 acres under prescribed burn conditions. Burn approximately one-third of this acreage within the growing season (April 1 through October 15) (RLRMP page 2.11)
4. Reduce the risk of oak and pine mortality events by thinning and regenerating at least 150,000 acres within the first decade (RLRMP page 2.12)
5. Improve and maintain bobwhite quail habitat on 5,000 acres per year for the first decade (RLRMP page 2.13)
6. Improve and maintain habitat for whitetail deer on 10,000 acres per year for the first decade (RLRMP page 2.13)
7. Improve and maintain habitat for eastern wild turkey on 10,000 acres per year for the first decade (RLRMP page 2.13)
8. Improve and maintain habitat for black bear on 8,000 acres per year for the first decade (RLRMP page 2.13)
9. Maintain or restore large woody debris (LWD) levels in perennial streams/rivers at 75 to 200 pieces per mile for all LWD larger than 3.3 feet long and 3.9 inches in diameter in the first decade (RLRMP page 2.16)
10. Maintain or restore LWD levels in perennial streams/rivers at 8 to 20 pieces /mile for all LWD larger than 16.4 feet long and 19.7 inches in diameter in the first decade. (RLRMP page 2.16)
11. Decommission roads and trails unnecessary for conversion to either the road or trail system through the roads analysis process (RAP) (RLRMP page 2.24)
12. Identify by the first decade all system roads that should be obliterated (RLRMP page 2.24)
13. Within 15 years, restore 15 to 20 percent of all ecological communities into Fire Regime Condition Class 1 (RLRMP page 2.26)
14. Annually complete 50,000 to 100,000 acres of hazardous fuel reduction (RLRMP page 2.26)
15. Provide 731 MMBF (146MCF) per decade of saw timber and pulpwood (RLRMP page 2.28)
16. Treat up to 300 acres per decade to meet the habitat needs of riparian area species groups. (RLRMP page 2.76)

It is my finding that the actions of this decision comply with the requirements of the National Forest Management Act (NFMA) of 1976, NFMA implementing regulations in 36 Code of Federal Regulations (CFR) Section 219, the National Historic Preservation Act, the Endangered Species Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations.

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

Alternative 3 with its noted modifications, which alters vegetation, complies with the requirements of the National Forest Management Act (NFMA). Under 16 U.S.C. 1604 (g)(3)(e), the Responsible Official may authorize site-specific projects and activities to harvest timber on National Forest System (NFS) lands only where:

1. Soil, slope, or other watershed conditions will not be irreversibly damaged.
2. There is assurance that the lands can adequately be restocked within five years after final regeneration harvests (FSM 1921.12g).
3. Streams, stream banks, shorelines, lakes, wetlands, and other bodies of water are protected from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment where harvests are likely to seriously and adversely affect fish habitat water conditions.
4. The harvesting system to be used is not selected primarily because it will give the greatest dollar return or greatest unit output of timber.

The Responsible Official may authorize projects and activities on NFS lands using cutting methods such as clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an even-aged stand of timber only where:

1. For clearcutting, it is the optimum method; or where seed tree shelterwood, and other cuts are determined to be appropriate to meeting the objectives and requirements of the relevant plan (16 U.S.C. 1604(g)(3)(F)(i)).
2. The interdisciplinary review has been completed and the potential environmental, biological, aesthetic, engineering, and economic impacts have been assessed on each advertised sale area and the cutting methods are consistent with the multiple use of the general area (16 U.S.C. 1604(g)(3)(F)(ii)).
3. Cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain (16 U.S.C. 1604(g)(3)(F)(iii)).
4. Cuts are carried out according to the maximum size limit requirements for areas to be cut during one harvest operation (FSM 1921.12e).
5. Timber cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, aesthetic resources, cultural and historic resources, and the regeneration of timber resources.
6. Stands of trees are harvested according to requirements for culmination of mean annual increment of growth (16 U.S.C. 1604 (m); FSM 1921.12f; FSH 1909.12, ch. 60).

## FINDING OF NO SIGNIFICANT IMPACT

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests, and the locality. Significance varies with the setting of the actions proposed. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

## INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.** Consideration of the intensity of environmental effects is not biased by beneficial effects of the action. Both beneficial and adverse effects are disclosed throughout Chapter III of the Roberts Gap EA.
2. **The degree to which Alternative 3 with its noted modifications affects public health or safety.** There will be no significant effects on public health and safety. The EA discloses the effects of exposure of forest users and the public to various hazards such as smoke, particulate matter, herbicides, hazards in the general forest, along with others and concludes that no thresholds will be exceeded and/or mitigated (See EA pages III-6-III-10, III-19-III-28).
3. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area because concurrence on National Register eligibility and the avoidance of adverse effects by project implementation to historical properties was received from SHPO on July 08, 2019. This included a list of known and recorded archeological sites, their recommendations of eligibility for possible inclusion in the Register of Historic Places (NRHP), and avoidance of adverse effects (See above page 8&9 this document and EA Chapter II under site specific design criteria II-21 – II-22).
4. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial. There is no known credible scientific controversy over the impacts of Alternative 3 (See EA Chapter III).
5. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk (See EA Chapter III).

6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** The action is not likely to establish a precedent for future actions with significant effects, because the Purpose and Need for the project and the actions being proposed are implementing and within the scope of the RLRMP (See EA pages I-1-I-5).
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The analysis supports that the cumulative impacts are not significant. The Past, Present and Reasonably Foreseeable Future Actions within the project area are listed on page II-16 of the EA. The cumulative effects of these actions along with the PA are disclosed throughout chapter III of the EA and conclude that there are no significant impacts (See EA pages III-1-III-28).
8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed , or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because concurrence on National Register eligibility and the avoidance of adverse effects by project implementation to historical properties was received from SHPO on July 08, 2019. This included a list of known and recorded archeological sites, their recommendations of eligibility for possible inclusion in the Register of Historic Places (NRHP), and avoidance of adverse effects (See EA pages II-21-II-22).
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.**

The Forest Service has written a Biological Assessment (BA) for amending the Ozark-St. Francis National Forests Revised Land and Resource Management Plan, signed on January 31, 2020. This BA described the potential effects of this amendment on all Threatened and Endangered Species on the Ozark National Forest. Only the Indiana bat will be affected enough to alter the determination to May Affect, Likely to Adversely Affect. For more specific analysis, see the Biological Assessment and the Robert's Gap supplemental report in the process file. This determination led the Forest Service to reinstate formal consultation where a Biological Opinion was signed and a transmittal letter confirming the completion of section 7 consultation was sent on May 7, 2020. All reasonable and prudent measures in this Biological opinion and new Forest Plan Standards and Guidelines in the Forest plan amendment signed on March 17, 2021 will be implemented as outlined in these documents.

10. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA (see EA Chapters 1 & 2). The action is consistent with the Ozark-St Francis Revised Land and Resource Management Plan (See EA pages I-3 – I-11)



After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

### **ADMINISTRATIVE REVIEW (OBJECTION) OPPORTUNITIES**

This decision is subject to objection pursuant to 36 CFR 218.8. Objections must meet requirements stated in 36 CFR 218.8(d) in order to be considered [http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=36:2.0.1.1.8#se36.2.218\\_18](http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=36:2.0.1.1.8#se36.2.218_18). A written Notice of Objection must be postmarked or received within 45 days after the date the legal notice of decision is published in Russellville's *The Courier*. The Objection must be filed with Ozark-St. Francis National Forests, ATTN: Objections Reviewing Officer, 605 West Main, Russellville, AR 72801, 36 CFR 218.3(a). Objections may be faxed to (479) 964-7518. Due to COVID-19 arrangements for hand-delivered objections must be made in advance during normal business hours of 8:00 a.m. to 4:30 pm. by calling the Ozark-St. Francis National Forests Supervisor's Office in Russellville, AR. at 479-964-7200. Objections may also be mailed electronically in a common digital format to [ozarkobjection@usda.gov](mailto:ozarkobjection@usda.gov). Objections may not be filed with the Responsible Official at either Hector or Jasper.

#### **Who may file an objection?**

36 CFR 218.5 (a) Individuals and entities as defined in §218.2 who have submitted timely, specific written comments regarding a proposed project or activity that is subject to these regulations during any designated opportunity for public comment may file an objection. Opportunity for public comment on an EA includes during scoping or any other instance where the responsible official seeks written comments.

#### **Filing an objection**

36 CFR 218.8 (a) Objections must be filed with the reviewing officer in writing. All objections are available for public inspection during and after the objection process.

(b) Incorporation of documents by reference is not allowed, except for the following list of items that may be referenced by including date, page, and section of the cited document, along with a description of its content and applicability to the objection. All other documents must be included with the objection.

1. All or any part of a Federal law or regulation.
2. Forest Service directives and land management plans.
3. Documents referenced by the Forest Service in the proposed project EA or EIS that is subject to objection.
4. Comments previously provided to the Forest Service by the objector during public involvement opportunities for the proposed project where written comments were requested by the responsible official.

(c) Issues raised in objections must be based on previously submitted specific written comments regarding the proposed project or activity and attributed to the objector, unless the issue is based on new information that arose after the opportunities for comment. The burden is on the objector to demonstrate compliance with this requirement for objection issues (see paragraph (d) (6) of this section).



(d) At a minimum, an objection must include the following:

1. Objector's name and address as defined in §218.2, with a telephone number, if available.
2. Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection).
3. When multiple names are listed on an objection, identification of the lead objector as defined in §218.2. Verification of the identity of the lead objector must be provided upon request or the reviewing officer will designate a lead objector as provided in §218.5(d).
4. The name of the proposed project, the name and title of the responsible official, and the name(s) of the national forest(s) and/or ranger district(s) on which the proposed project will be implemented.
5. A description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and
6. A statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunity(ies) for comment (see paragraph (c) of this section).

### **IMPLEMENTATION DATE**

Timing of project decision 36 CFR 218.129 (c): When no objection is filed within the objection filing period (see §§218.26 and 218.32):

1. The reviewing officer must notify the responsible official.
2. Approval of the proposed project or activity documented in a Record of Decision (ROD) in accordance with [40 CFR 1506.10](#), or in a Decision Notice (DN) may occur on, but not before, the fifth business day following the end of the objection filing period.

### **CONTACT**

Further information about this decision can be obtained from Mike Mulford, NEPA Coordinator, Big Piney Ranger District, P.O. Box 427, Jasper, AR 72641; (870) 446-5122; fax (870) 446-2063; e-mail: [michael.mulford@usda.gov](mailto:michael.mulford@usda.gov)

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TIMOTHY E. JONES

Date

District Ranger

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